

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2071.04
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	October 22, 2003
DATE OF REPORT:	November 21, 2003
REQUEST FOR RECONSIDERATION:	
DATE OF CLOSURE:	January 27, 2004

**COMPLAINT ISSUES:**

Whether the Central Noble Community School Corporation and the Northeast Indiana Special Education Cooperative violated:

511 IAC 7-27-4 by failing to utilize the case conference committee (CCC) to develop, review, or revise the student's IEP, and

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

**FINDINGS OF FACT:**

1. The Student is sixteen years old and attends the local high school ("the School"). The Student has been determined eligible for special education as a student with a learning disability.
2. The Complainant claims that the School did not use the CCC to develop, review, or revise the Student's IEP, even though the Student was moved from a study hall for students with learning disabilities to a regular study hall for nondisabled students. The Director of Special Education said that the Complainant was informed about the change, but acknowledged that the CCC did not meet and the proper paperwork was not completed as required.
3. The Student's IEP dated March 25, 2003, includes objectives to develop reading comprehension skills, and says that the Student will progress in meeting relevant state standards. The IEP states that the Student will continue to receive services in the resource room. Recently, as a result of the Student no longer receiving instruction in the LD study hall, where most LD assistance had been available, the TOR voluntarily provided specialized reading instruction three days a week. The TOR provided this instruction an hour before the day's classes began, after consulting with a reading specialist. There is no documentation showing that, prior to this arrangement, anything was being done to assist the Student in reading. As a result of a meeting called by the School and a CCC meeting that occurred after the filing of this complaint, reading instruction is now provided during the regular school day. A new IEP was also agreed to and signed by the Complainant on November 12, 2003, after the filing of this complaint.

**CONCLUSIONS:**

1. Finding of Fact #2 indicates that a CCC meeting was not called when the Student was moved from a study hall for students with learning disabilities to one for nondisabled students, as should have occurred. Therefore, a violation of 511 IAC 7-27-4 has occurred. However, the School has provided its own corrective action by calling a CCC meeting after the filing of the complaint, and by ensuring that the Student is once again in the LD study hall.
2. Finding of Fact #3 indicates that the School failed to provide documentation of implementing reading instruction prior to unilaterally removing the Student from the LD study hall. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners, requires corrective action based on the Findings of Fact and Conclusions listed above.**

The Central Noble Community School Corporation and the Northeast Indiana Special Education Cooperative shall:

1. provide a weekly progress report documenting progress toward the Student's goals and objectives in reading, for six consecutive weeks during which students are in class, to the Complainant. The progress reports should begin the week of December 1, 2003, and be completed the week of January 19, 2004.

**Progress reports must be provided weekly to the Complainant, and only at the conclusion of the six weeks named above, must be provided to the Indiana Department of Education. Provide all six reports together to the Department by January 27, 2004.**